IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.327 OF 2004

M/s.Shivnath Industries & Another. ... Petitioners.

vs.

Milind Haribhau Pote & others. ... Respondents.

Mr.N.G.Thakkar i/b. M/s.Solomon & Co., for Petitioners.

Mr.Ashwin Thakkar, for Respondent no.1.

Respondent no.2C present.

CORAM: D.K.DESHMUKH,J.

DATED: 3rd May,2005

P.C.:-

1. By consent of parties, the Award impugned in the petition is set aside. By consent of parties, Hon'ble Mr.Justice A.B.Palkar (Retd.) is appointed as Arbitrator.

2. The disputes between the parties which were referred to the arbitration by letter dated 26.11.2003 at Exhibit A to the affidavit filed in this

petition on behalf of the respondent no.1, are referred to the learned Arbitrator for decision.

3. The consent to the appointment of the learned Arbitrator is given on behalf of the petitioners without prejudice to their contentions that there is no arbitration clause in existence between the parties and subject to their right to challenge the jurisdiction of the learned Arbitrator to adjudicate on the disputes referred to him by respondent no.1.

4. The learned Arbitrator shall conduct the proceedings in accordance with the provisions of the Arbitration and Conciliation Act,1996 and shall make Award as expeditiously as possible.